

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

L-03 COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02

INR-09 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12

ACDA-19 AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04

INT-08 JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02

RSR-01 (ADP) W

----- 014761

R 241723 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7151

UNCLAS SECTION 1 OF 2 USUN 1031

E. O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP ON REGIME PRINCIPLES,
MARCH 21

1. INFORMAL WORKING GROUP PREPARED TWO ALTERNATIVE TEXTS
FOR ARTICLE XIII (GENERAL NORMS REGARDING EXPLOITATION)
AS FOLLOWS:

QTE THE EXPLORATION OF THE AREA AND THE EXPLOITATION OF
ITS RESOURCES SHALL BE CARRIED OUT IN SUCH A MANNER AS
TO PROVIDE FOR THEIR ORDERLY AND SAFE DEVELOPMENT AND
RATIONAL MANAGEMENT AND EXPANDING OPPORTUNITIES
IN THE USE THEREOF AND TO ENSURE THAT EQUITABLE SHARING
BY STATES PARTIES IN THE BENEFITS DERIVED THEREFROM,
TAKING INTO PARTICULAR CONSIDERATION THE INTERESTS AND
NEEDS OF THE DEVELOPING COUNTRIES, WHETHER LAND- LOCKED
OR COASTAL.

OR (B)

THE EXPLORATION OF THE AREA AND THE EXPLOITATION OF
ITS RESOURCES AND OTHER RELATED ACTIVITIES SHALL BE
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CARREID OUT IN A SAFE, ORDERLY AND RATIONAL MANNER SO

AS TO ENSURE THEIR CONSERVATION AND TO MINIMIZE THE FLUCTUATION IN THE PRICES OF MINERALS AND RAW MATERIALS FROM LAND AND OFFSHORE SOURCES THAT MAY RESULT FROM SUCH EXPLOITATION AND ADVERSELY AFFECT THE EXPORTS OF DEVELOPING COUNTRIES, ESPECIALLY THOSE WHO ARE PRODUCERS OF WASTING AND NON-RENEWABLE MATERIALS. THE MINERAL RESOURCES OF THE AREA SHALL BE CONSIDERED AS BEING COMPLEMENTARY TO RESOURCES PRODUCED FROM LAND AND OFFSHORE AREAS. THE BENEFITS DERIVED FROM EXPLOITATION OF THE RESOURCES OF THE AREA SHALL BE DISTRIBUTED EQUITABLY AMONG ALL STATES, IRRESPECTIVE OF THEIR GEOGRAPHICAL LOCATION, GIVING SPECIAL CONSIDERATION TO THE INTERESTS AND NEEDS OF DEVELOPING COUNTRIES, WHETHER COASTAL OR LAND-LOCKED.

2. AUSTRALIA PROPOSED FOLLOWING TEXT WHICH WG AGREED WOULD APPEAR AS NOT AT END OF ARTICLE: QTE THE VIEW WAS EXPRESSED IN RESPECT TO THIS ARTICLE THAT THERE IS A NEED TO TAKE INTO ACCOUNT IN THE REGULATIONS UNDER THE MACHINERY, PROVISIONS ALLOWING THE AUTHORITY AND STATES/ PARTIES TO PURSUE MEASURES DESIGNED TO FACILITATE THE STABILIZATION OF COMMODITY PRICES ON A GLOBAL BASIS AS, FOR EXAMPLE, THROUGH INTERNATIONAL COMMODITY AGREEMENTS. UNQTE.

3. MOST OF WG DISCUSSION CONCERNED PARA B. GUYANA PROPOSED AS A NORM THE QTE OPTIMUM UTILIZATION OF THE AREA RESOURCES UNQTE AND THIS WAS INCORPORATED INTO FIRST SENTENCE. KUWAIT WISHED TO MODIFY PROVISION DEALING WITH BENEFIT SHARING SO THAT SPECIAL CONSIDERATION WOULD BE GIVEN TO COUNTRIES WHICH ARE QTE GEOGRAPHICALLY DISADVANTAGED, UNQTE RATHER THEN MERELY DEVELOPING. THIS PRECIPITATED EXTENSIVE DISCUSSION. PERU AND URUGUAY STRONGLY OPPOSED THIS ADDITION WHILE IT WAS SUPPORTED BY ALGERIA AND POLAND. IN MID COURSE OF DEBATE, KUWAIT WITHDREW ITS PROPOSAL AND ALTERNATIVE TEXT B WAS LEFT UNCHANGED IN THIS REGARD.

4. WG CONTINUED THE CONSIDERATION OF SENEGALESE TAXING PROPOSAL. SEVERAL DESL COMPLAINED THAT PROPOSAL APPEARS TO PREJUDGE FINAL ORGANIZATION OF THE INTERNATIONAL AUTHORITY (I.E., IT PRESUMES STATES WILL EXPLOIT SEABED). USSR COMPLAINED THAT PROPOSAL TREATS SOCIALIST AND CAPITALIST UNCLASSIFIED

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NATIONS UNEVENLY AND GIVES INTERNATIONAL AUTHORITY MORE POWER VIS-A-VIS SOCIALIST COUNTRIES. US REP ASSURED SENEGAL ITS PROPOSAL WOULD RECEIVE SERIOUS CONSIDERATION AND INDICATED THAT, WHILE HE COULD NOT COMMENT ON SUBSTANCE AT PRESENT, HE MIGHT HAVE QUESTIONS LATER AND SUGGESTED PROPOSAL BE DEBATED AT LATER TIME. IN LIGHT OF VARIOUS COMMENTS, SENEGAL MODIFIED PORTION OF ITS PROPOSAL IN ORDER TO MEET COMPLAINTS THAT IT ASSUMED

OUTCOME OF MACHINERY DEBATE. WG AGREED TO CONSIDER
SENEGALESE PROPOSAL FURTHER WHEN TEXT OF CHANGES CAN
BE CIRCULATED IN WRITING.

5. WG PROCEEDED TO CONSIDER ARTICLE XIV (SCIENTIFIC
RESEARCH). POLAND, WITH SUPPORT OF UKRAINE, URGED THAT
SINCE THERE IS NO POSSIBILITY FOR WG TO RESOLVE DISAGREE-
MENTS, AND BECAUSE SCIENTIFIC RESEARCH IS BEING CONSIDERED
BY SUBCOMITTEE III, CONSIDERATION SHOULD BE POSTPONED.
ALTHOUGH BRAZIL TENTATIVELY AGREED TO THIS SUGGESTION,
NIGERIA AND PERU INSISTED THAT WG NOT SKIP OVER ARTICLE.
THERE WAS GENERAL AGREEMENT THAT WG MUST PROCEED.

6. GUYANA PROPOSED THE FOLLOWING TEXT FOR ARTICLE XIV:
" EVERY STATE, WHETHER COASTAL OR LANDLOCKED, HAS
THE RIGHT TO UNDERTAKE SCIENTIFIC RESEARCH IN THE AREA
SUBJECT TO SUCH REGULATION OF NONDISCRIMINATORY CHAR-
ACTER AS MAY BE PRESCRIBED BY THE AUTHORITY.

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RSR-01 (ADP) W

----- 014762

R 241723 Z MAR 73

FM USMISSION USUN NY

TO RECSTATE WASHDC 7152

UNCLAS SECTION 2 OF 2 USUN 1031

SUBJ: LOS: WORKING GROUP ON REGIME PRINCIPLES,
MARCH 21

EACH CONTRACTING PARTY AGREES TO:

- 1) ENCOURAGE SCIENTIFIC RESEARCH IN THE AREA
AND ABSTAIN FROM INTERFERENCE THEREWITH;
- 2) PROMOTE INTERNATIONAL COOPERATION IN SCIENTIFIC

RESEARCH AND APPLY THE RESULTS OF SUCH RESERACH EXCLUSIVELY FOR PEACEFUL PURPOSES AND IN PARTICULAR BY (BE FOLLOWED BY PARAS A, B, AND C AS CONTAINED IN PRESENT ARTICLE XIV);

3) NO SUCH RESEARCH ACTIVITY SHALL FORM THE LEGAL BASIS FOR ANY CLAIM WITH RESPECT TO ANY PART OF THE AREA OR ITS RESOURCES;

4) FOR THE PURPOSE OF THIS ARTICLE, THE TERM SCIENTIFIC RESEARCH SHALL MEAN... UNQTE

7. UK PROPOSED ALTERNATIVE TEXT WHICH, AS AMENDED, WOULD READ: QTE NEITHER THESE ARTICLES NOR ANY RIGHTS GRANTED PURSUANT THERETO, SHALL AFFECT THE FREEDOM OF SCIENTIFIC RESEARCH IN THE AREA. CONTRACTING PARTIES
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SHALL PROMOTE INTERNATIONAL COOPERATION IN SCIENTIFIC RESEARCH CONCERNING THE AREA EXCLUSIVELY FOR PEACEFUL PURPOSES: (FOLLOWED BY PARA A, B, AND C OF PRESENT ARTICLE XIV.)"

8. NIGERIA REP EXPRESSED CONCERN THAT THE RIGHT TO UNDERTAKE SCIENTIFIC RESEARCH WOULD APPLY TO NONPARTIES TO CONVENTION AND HE FELT THIS ACTIVITY SHOULD BE LINKED TO REGULATORY POWERS OF AUTHORITY.

8. UK STATED THAT RIGHTS WHICH STATES HAVE UNDER INTERNATIONAL LAW ARE NOT GIVEN UP EXCEPT INSOFAR AS THIS MAY BE NECESSARY TO IMPLEMENT COMMON HERITAGE OF MANKIND AND CURTAILMENT OF FREEDOM OF SCIENTIFIC RESEARCH IS NOT NECESSARY FOR SUCH IMPLMENTATION. GHANA OBJECTED THAT MANY DELEGATIONS PRESENT ARE NOT PARTIES TO TREATIES WHICH GIVE THESE RIGHTS, AND THIS HAS MADE IT NECESSARY TO TAKE A GENERAL LOOK AT MANAGEMENT OF SEABEDS. PERU ASSERTED THERE IS NO FOUNDATION IN INTERNATIONAL LAW FOR FREEDOM OF SCIENTIFIC RESEARCH IN AREA. PERU PROPOSED FOLLOWING TEXT FOR ARTICLE XIV: " SCIENTIFIC RESEARCH IN THE AREA SHALL BE CARRIED OUT SOLELY FOR PEACEFUL PURPOSES FOR THE BENEFIT OF ALL MANKIND, REGARDLESS OF GEOGRAPHIC LOCATION OF STATES, WHETHER COASTAL OR LANDLOCKED, TAKING INTO PARTICULAR CONSIDERATION THE INTERESTS AND NEEDS OF DEVELOPING COUNTRIES. WITHOUT PREJUDICE TO THE ACTIVITIES CARRIED OUT BY THE AUTHROTITY ITSELF, THE AUTHORITY SHALL AUTHORIZE IN THE AREA ACTIVITIES IN SCIENTIFIC RESEARCH BY ANY ORGANIZATION REQUESTING THE AUTHORITY, PROVIDING IT OFFERS SUFFICIENT GUARANTEES AS TO ITS TECHNICAL ABILITY AND PROVIDED IT TAKES RESPONSIBILITY FOR DAMAGES WHICH SUCH ACTIVITIES MAY CAUSE TO THE MARINE ENVIRONMENT AND COMPLIES WITH THE REGULATIONS ADOPTED IN THIS REGARD BY THE AUTHORITY.

FOR THE PURPOSES OF THIS CONVENTION, INTERNATIONAL COOPERATION SHALL BE PROMOTED THROUGH :

A) INTERNATIONAL PROGRAMS DIRECTED TOWARD THE TRAINING OF NATIONALS OF DEVELOPING COUNTRIES IN ALL ASPECTS OF MARINE SCIENCE AND TECHNOLOGY;

B) TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES IN THE FIELD OF OCEANOGRAPHIC EXPLORATION AND
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EXPLOITATION;

C) EMPLOYMENT OF QUALIFIED PERSONNEL FROM DEVELOPING COUNTRIES IN ALL ASPECTS OF THE ACTIVITIES CARRIED OUT IN THE AREA; AND

D) NOTIFICATION TO THE AUTHORITY OF RESEARCH PROGRAMMES, AND DISSEMINATION OF THEIR RESULTS BY THE SAME CHANNEL.

10. WG HAD BRIEF CONSIDERATION OF ARTICLE XV (TRANSFER OF TECHNOLOGY) AND XVI (PROTECTION OF THE MARINE ENVIRONMENT) AND AGREED TO CONSIDER THESE ARTICLES FURTHER. PERU INDICATED IT MIGHT INTRODUCE ALTERNATIVE TEXTS TO THESE ARTICLES.

PHILLIPS

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